

V.T.

1/20/98

Office Action Summary

Application No.
08/853,870

Applicant(s)
Yovey

Examiner
Jerome D. Goldberg

Group Art Unit
1205



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 1-20 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Restriction to one of the following inventions is required under 35.S.C. 121.

Group I: claims 1-5, 8-12 and 14-16 drawn to stimulating host defense mechanisms.

Group II: claims 6, 13 drawn to treating neoplastic condition.

Group III: Claim 7 drawn to treating viral infection.

Composition claims 17-20 will be examined with the elected invention.

The several inventions above are independent and distinct, each from the other, as they have acquired a separate status in the art as a separate subject for inventive effect and require independent searches. Moreover, a reference to one above under 35 USC 103 would not be a reference to another method. Therefore, restriction for examination purpose is proper.

Applicant is required to make a provisional election, even though this requirement is traversed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Goldberg whose telephone number is (703) 308-1235. The examiner can normally be reached on Monday-Thursday from 9:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Cintinis, can be reached on (703) 308-4725. The fax phone number for this Group is (703) 08-4556.


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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

GOLDBERG:tcj
January 16, 1998

A handwritten signature in black ink, appearing to read 'J.D. Goldberg', is written over the typed name.

**JEROME D. GOLDBERG
PRIMARY EXAMINER
GROUP 1200**